

Victory Campaign 2004
1120 Connecticut Avenue
Suite 1100
Washington, DC 20036

May 18, 2004

Lawrence Norton, Esq.
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

RE: MUR 5440 Respondent Victory Campaign 2004

Dear Mr. Norton:

On behalf of Victory Campaign 2004 ("VC2004") this letter is submitted in response to a complaint filed with the Federal Election Commission by Bush-Cheney '04, Inc. ("Bush/Cheney") and the Republican National Committee ("RNC").

VC 2004 is a joint fundraising committee registered with the FEC and is acting in full compliance with the Commission's joint fundraising regulations. America Coming Together ("ACT"), a Federal political committee with federal and non-federal accounts, and The Media Fund ("TMF"), a 527 political organization registered with the Internal Revenue Service that is not a Federal political committee, are the two participants in the joint fundraising effort. The Commission's regulations specifically provide that political committees, such as ACT, "may engage in joint fundraising ... with unregistered committees or organizations," such as TMF. 11 C.F.R. §102.17(a)(1)(i). VC 2004 has no other purpose other than to serve as a joint fundraising committee for ACT and TMF.

Bush/Cheney and the RNC misstate the law and rely upon an advisory opinion (AO 2003-37) issued to an imaginary organization that specifically does not apply in this matter to support their otherwise baseless complaint. They assert that the "principle laid out by the Commission in AO 2003-37" permits TMF to only raise "donations subject to the prohibitions and limitations of the Act" through the joint fundraising committee. Complaint at 44.

AO 2003-37, the foundation of the Bush/Cheney and RNC legal theory, does not apply to TMF. The only relevant part of this advisory opinion in this matter is found in the first paragraph: "[t]he fact that ABC is a political committee is particularly relevant. This opinion does not set forth general standards that might be applicable to other tax-exempt entities." AO 2003-37, at 1. TMF is not a political committee. Thus, AO 2003-37 does not apply in this matter.

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VC 2004 did not engage in any activity in violation of the law or Commission regulations governing joint fundraising activity. This complaint does not provide a sufficient basis for finding a reason to believe against VC 04. We therefore, respectfully request that the Commission close this matter as it pertains to Victory Campaign 2004.

Sincerely,

Lyn Utrecht

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